

Exhibit 9

From: [Mendelson, Evan](#)
To: [Flahive Wu, Laura](#); [Kim, Laura](#); [Graubert, John](#); [Anthony, Stephen](#); [Hall, John](#); [Rodgers, Megan](#)
Cc: [Jerjian, Olivia](#); [Nardini, Thomas](#); [Cole, Margaret](#); [Hoffman, Elena](#); [Zwonik, Ryan](#); [Frech, Jacob](#)
Subject: RE: FTC v. Amazon.com, Inc., No. 2:23-cv-0932 (W.D. Wash.)
Date: Wednesday, June 28, 2023 1:19:13 PM

[EXTERNAL]

Laura,

I'm following up on my email below to address your request for copies of investigational hearing transcripts not previously provided.

We are not aware of any basis for your request for copies of hearing transcripts from witnesses that your firm did not represent, and you have provided none. **Discovery has not yet opened.** Nevertheless, because we excerpted, in our Motion to Desequester Documents Clawed Back by Defendant (Dkt. #4), transcripts from the investigational hearings listed in your email, we are willing to provide complete copies of those transcripts on the condition that you not publicly file, or disclose to any third party, the contents of those transcripts prior to the witnesses having a chance to seek a seal or protective order, as described in our proposed order granting our Motion for Temporary Seal (Dkt. 2-1 ¶ 8). Please confirm your agreement, and we will provide the transcripts.

Best,

Evan M. Mendelson
Federal Trade Commission
Bureau of Consumer Protection
Enforcement Division
600 Pennsylvania Avenue, NW, CC-9528
Washington, DC 20580
Phone: (202) 326-3320
Fax: (202) 326-3197

From: Mendelson, Evan
Sent: Monday, June 26, 2023 5:04 PM
To: Flahive Wu, Laura <lflahivewu@cov.com>; Kim, Laura <LKim@cov.com>; Graubert, John <jgraubert@cov.com>; Anthony, Stephen <santhony@cov.com>; Hall, John <jhall@cov.com>; Rodgers, Megan <mrodgers@cov.com>
Cc: Jerjian, Olivia <ojerjian@ftc.gov>; Nardini, Thomas <tnardini@ftc.gov>; Cole, Margaret <mcole@ftc.gov>; Hoffman, Elena <ehoffman@ftc.gov>; Zwonik, Ryan <rzwonik@ftc.gov>; Frech, Jacob <jfrech@ftc.gov>
Subject: RE: FTC v. Amazon.com, Inc., No. 2:23-cv-0932 (W.D. Wash.)

Laura,

Thanks for your email and for speaking with us on Friday. Please see our responses below.

Briefing Schedule

Desequester Motion. We will consent to your proposed response date for the Desequester Motion of July 24, 2023 (a three-week extension), provided that you consent to an extra week for our reply, which would then be due on August 4, 2023. August 4 would also become the new noting date for the motion.

Response to Complaint. For the motion to dismiss, is the “opening brief” referenced in your email simply the brief in support of your anticipated motion to dismiss? If so, we will consent to the August 30 deadline.

Motion for Temporary Seal. On the motion to seal, it doesn’t seem to make sense to have a single date for both your motion for a permanent seal and your opposition to our motion for a temporary seal. The only motion currently before the Court is our request to temporarily seal portions of the Complaint and Desequester Motion. Our understanding is that you do not oppose that temporary seal. As you know, our motion for temporary seal also sets out a procedure (in the Proposed Order, Dkt. 2-1) by which Amazon and third parties can seek a permanent seal over certain material. That procedure is straightforward, and, even if you intend to request modifications to it, responding to the motion for temporary seal does not require you to review the materials currently sealed—which you stated on our Friday call was the primary reason for seeking an extension. Any review of the sealed materials would only need to occur prior to your motion for a permanent seal, if any. As a result, we do not understand the need for any extension to the current July 3 response deadline.

We are, of course, willing to discuss any proposed modifications to our Proposed Order on the motion for temporary seal, with the goal of reaching an agreement on the procedure for your seeking a permanent seal. We would, for example, be willing to extend your deadline for moving for a permanent seal to July 17. If you have other proposed changes to our Proposed Order (Dkt. 2-1), please let us know.

IH Transcripts

We will respond to your request later this week.

Documents Supporting Complaint

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We will not provide an “index” of documents “directly quoted” in the complaint or “otherwise underpinning the complaint’s allegations.” There is no basis for this request. Of course, you may issue appropriate interrogatories and document requests during discovery, and the FTC will respond or object at that time. We do, however, note that many of the documents referenced in the Complaint are already attached to the Complaint. See Attachments A-V.

Best,

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From: Flahive Wu, Laura <lflahivewu@cov.com>

Sent: Friday, June 23, 2023 4:55 PM

To: Mendelson, Evan <emendelson@ftc.gov>; Kim, Laura <LKim@cov.com>; Graubert, John <jgraubert@cov.com>; Anthony, Stephen <santhony@cov.com>; Hall, John <jhall@cov.com>; Rodgers, Megan <mrodgers@cov.com>

Cc: Jerjian, Olivia <ojerjian@ftc.gov>; Nardini, Thomas <tnardini@ftc.gov>; Cole, Margaret <mcole@ftc.gov>; Hoffman, Elena <ehoffman@ftc.gov>; Zwonik, Ryan <rzwonik@ftc.gov>; Frech, Jacob <jfrech@ftc.gov>

Subject: RE: FTC v. Amazon.com, Inc., No. 2:23-cv-0932 (W.D. Wash.)

Counsel:

On behalf of Amazon, thank you for speaking this afternoon. As I mentioned, we are always willing to speak voice to voice and hope we can resolve any issues in a cooperative manner. I am following up in writing with the requests we made on the call.

- Briefing schedule: Amazon requests your agreement on the initial briefing deadlines listed below.
 - Amazon's response to sealing motion/brief in support of sealing: **July 24, 2023**
 - Amazon's response to de sequester motion: **July 24, 2023**
 - Amazon's motion to dismiss and opening brief: **August 30, 2023**
- IH transcripts: Amazon requests that you promptly provide us the transcripts for any investigational hearings (IHs) taken in this investigation that you have not previously provided to us. This request includes the IH transcripts for Reid Nelson; Monique Mascio; Molly O'Donnell; David Edelstein; and Masuma Henry.
- Documents cited in complaint: Amazon requests that you promptly provide us an index of the documents cited in the complaint (both documents directly quoted and documents otherwise underpinning the complaint's allegations). This request includes any documents that were not produced by Amazon and were obtained from non-parties.

We ask that you please provide us your response by Monday, June 26.

Regards,

Laura

Laura Flahive Wu

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From: Mendelson, Evan <emendelson@ftc.gov>
Sent: Thursday, June 22, 2023 12:13 PM
To: Flahive Wu, Laura <lflahivewu@cov.com>; Kim, Laura <LKim@cov.com>; Graubert, John <jgraubert@cov.com>; Anthony, Stephen <santhony@cov.com>; Hall, John <jhall@cov.com>; Rodgers, Megan <mrodgers@cov.com>
Cc: Jerjian, Olivia <ojerjian@ftc.gov>; Nardini, Thomas <tnardini@ftc.gov>; Cole, Margaret <mcole@ftc.gov>; Hoffman, Elena <ehoffman@ftc.gov>; Zwonik, Ryan <rzwonik@ftc.gov>; Frech, Jacob <jfrech@ftc.gov>
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[EXTERNAL]

2:00 tomorrow works for us. I'll send a dial-in shortly. Thanks.

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Sent: Thursday, June 22, 2023 12:04 PM
To: Mendelson, Evan <emendelson@ftc.gov>; Kim, Laura <LKim@cov.com>; Graubert, John <jgraubert@cov.com>; Anthony, Stephen <santhony@cov.com>; Hall, John <jhall@cov.com>; Rodgers, Megan <mrodgers@cov.com>
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Subject: RE: FTC v. Amazon.com, Inc., No. 2:23-cv-0932 (W.D. Wash.)

Counsel,

We would like to schedule a call to discuss the FTC's newly filed litigation and related scheduling matters. Please let us know your availability for a short call tomorrow (6/23) between 1:30 and 3 pm or Monday (6/26) between 4:00 and 5 pm.

Regards,

Laura

Laura Flahive Wu

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From: Mendelson, Evan <emendelson@ftc.gov>

Sent: Wednesday, June 21, 2023 10:47 AM

To: Kim, Laura <LKim@cov.com>; Graubert, John <jgraubert@cov.com>; Anthony, Stephen <santhony@cov.com>; Hall, John <jhall@cov.com>; Rodgers, Megan <mrodgers@cov.com>; Flahive Wu, Laura <lflahivewu@cov.com>

Cc: Jerjian, Olivia <ojerjian@ftc.gov>; Nardini, Thomas <tnardini@ftc.gov>; Cole, Margaret <mcole@ftc.gov>; Hoffman, Elena <ehoffman@ftc.gov>; Zwonik, Ryan <rzwonik@ftc.gov>; Frech, Jacob <jfrech@ftc.gov>

Subject: FTC v. Amazon.com, Inc., No. 2:23-cv-0932 (W.D. Wash.)

[EXTERNAL]

Counsel,

This morning, we filed (1) a public, redacted version of the Complaint for Permanent Injunction, Civil Penalties, Monetary Relief, and Other Equitable Relief against Defendant Amazon.com, Inc. (the "Complaint") in the above-referenced matter and (2) a Motion for Leave to Temporarily Seal the Complaint and Motion to Desequester and Permanently Seal References to Nonpublic Investigations. We are in the process of filing the sealed, unredacted version of the Complaint.

Please find attached courtesy copies of the first two filings.

Additionally, we will have some more filings shortly—including the Motion to Desequester referenced in the Motion for Leave to Temporarily Seal—and will provide courtesy copies of those when filing is complete.

Finally, we anticipate sending correspondence directed to Mr. Grandinetti, Mr. Lindsay, and Mr. Ghani later today.

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